

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 10-
v.	:	DATE FILED: August 12, 2010
SHACOY MCNISH	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy to provide
	:	false information to a federal firearms
	:	licensee – 1 count)
	:	18 U.S.C. § 922(a)(6) & 924(a)(2)
	:	(providing false information to federal
	:	firearms licensee -1 count)
		18 U.S.C. § 1028A (aggravated identity
		theft – 1 count)
		18 U.S.C. § 2 (aiding and abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

The Firing Line

1. Firing Line, Inc. (“Firing Line”), located at 1532 South Front Street in Philadelphia, Pennsylvania, possessed a federal firearms license (FFL) and was authorized to deal in firearms under federal law.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearms Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 requires the purchaser to answer questions about the purchase, including a question, “Are you the actual buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person.” The Form 4473 also contains a warning that falsely answering yes to that question and falsely claiming to be the actual buyer of the firearm(s) is a crime punishable as a felony.

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm.

L.C.

5. L.C. was a real person residing in Philadelphia, in the Eastern District of Pennsylvania. At no time, material to this information, did L.C. give defendant SHACOY McNISH, Alishea Vann, charged elsewhere, or anyone else authorization to possess or to use her driver’s license, social security card information, or any other identifying information for any reason.

The Conspiracy

6. On or about May 20, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

SHACOY McNISH

conspired and agreed, together with Alishea Vann, charged elsewhere, and a person unknown to

the grand jury (Person # 1), to commit an offense against the United States, that is, to knowingly make false and fictitious statements and to furnish a false, fictitious, and counterfeit identification, intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearm under the provisions of Chapter 44, Title 18, United States Code, in violation of Title 18, United States Code, Section 922(a)(6).

MANNER AND MEANS

It was part of the conspiracy that:

7. Defendant SHACOY McNISH possessed without authorization means of identification for L.C., including L.C.'s name, date of birth, and social security number.

8. Defendant SHACOY McNISH offered to pay Alishea Vann approximately \$600 if she used L.C.'s identification to buy a Glock Model 19, 9-millimeter handgun for him.

9. After Alishea Vann agreed to buy the gun for defendant SHACOY McNISH, defendant McNISH drove Alishea Vann and Person # 1 to the Firing Line gun store to buy a handgun.

10. Inside the vehicle, defendant SHACOY McNISH and Person # 1 handed money to Alishea Vann with instructions to use the money to buy a 9-millimeter handgun at the Firing Line. Defendant SHACOY McNISH also gave Vann a counterfeit driver's license for L.C., which contained a photograph of a woman resembling Vann and the date of birth for the real L.C, and told Vann that there would not be a problem because L.C. had good credit.

11. When they arrived at Firing Line, defendant SHACOY McNISH entered the gun shop with Alishea Vann and Person # 1 and directed Vann to buy a Glock Model 19, 9-

millimeter handgun in the name of L.C.

12. Inside the Firing Line, at the direction of defendant SHACOY McNISH, Alishea Vann misrepresented to a store employee that she was L.C., presented the store employee with the counterfeit operator's license in the name of L.C., and completed an ATF Form 4473 in which she falsely identified herself as L.C. all in an effort in an effort to buy a Glock Model 19 9-millimeter handgun for defendant McNISH.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendant SHACOY McNISH and others known and unknown to the grand jury committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about May 20, 2010:

1. Defendant SHACOY McNISH and Person # 1 gave Alishea Vann hundreds of dollars and means of identification for L.C. and told Vann that they wanted her to use the money and identification documents to buy a handgun for defendant McNISH.
2. Defendant SHACOY McNISH entered the Firing Line with Person # 1 and Alishea Vann and showed Vann a Glock Model 19 9-millimeter handgun that McNISH wanted Vann to buy for him.
3. Alishea Vann told a Firing Line employee that she wanted to buy a Glock Model 19 9-millimeter handgun, which was the same gun selected by defendant SHACOY McNISH.
4. In an effort to purchase the 9mm handgun for defendant SHACOY McNISH, Alishea Vann:

- a. falsely represented to the Firing Line employee that she was L.C.;
- b. provided the employee with the counterfeit driver's license for L.C. that she had received from defendant SHACOY McNISH; and
- c. filled out federal and state application forms, including a Firearm Transaction Record ATF Form 4473, on which Vann falsely identified herself as L.C., provided the date of birth for the real L.C., and falsely certified that she was the actual buyer of the gun.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT

At times material to this indictment:

1. Paragraphs 1 through 5 and 7 through 12 and Overt Acts 1 through 4 of Count One of this indictment are incorporated here.

2. On or about May 20, 2010, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SHACOY McNISH,

in connection with the attempted acquisition of a firearm, that is, a Glock Model 19, 9-millimeter handgun, from Firing Line, a licensed dealer of firearms, knowingly aided and abetted the making of false and fictitious statements, and aided and abetted the furnishing and exhibiting of a false, fictitious, and misrepresented identification, intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearm under the provisions of Chapter 44, Title 18, United States Code, in that, defendant McNISH aided and abetted the providing of a counterfeit Pennsylvania operator's license in the name of L.C. and a written statement on Firearm Transaction Record, ATF Form 4473, certifying that the actual buyer of the firearm was L.C., knowing that the statements were false and fictitious.

In violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT

At times material to this indictment:

1. Paragraphs 1 through 5 and 7 through 12 and Overt Acts 1 through 4 of Count One of this indictment are incorporated here.

2. On or about May 20, 2010, in Philadelphia, in the Eastern District of Pennsylvania, defendant

SHACOY McNISH

knowingly and without lawful authority possessed and used, and aided and abetted the possession and use of, a means of identification of another person, that is, the counterfeit driver's license and name, date of birth, and social security number of L.C., during and in relation to the making of false statements in connection with the attempted acquisition of a firearm, in violation of Title 18, United States Code, Sections 922(a)(1)(6).

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(3), and 2.

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
United States Attorney